



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/863,996

05/23/2001

Stephen S. Burns

7227/79217

1863

27160 7590 03/05/2010
KATTEN MUCHIN ROSENMAN LLP
(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

EXAMINER

VO, HUYEN X

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

03/05/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/863,996
Filing Date: May 23, 2001
Appellant(s): BURNS ET AL.

Mr. John S. Paniaguas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/3/2009 appealing from the Office action mailed 11/1/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6633846	Bennett et al.	11-1999
6615171	Kanevsky et al.	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-2, 8-9, 11, 13, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (USPN 6633846).

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (USPN 6633846) in view of Kanevsky et al. (USPN 6615171).

(10) Response to Argument

1. In response to applicant's argument regarding Bennett reference fails to disclose or suggest "an input/output device for receiving voice inputs and converting those inputs to a first data stream and transmitting the first data stream to a server" (*first paragraph of the argument section*), Bennett reference clearly discloses a microphone (*figure 3*) for recording sound voice from a user and converts it into electronic signals. The electronic

Art Unit: 2626

signals are then processed and converted into MFCC vectors, which are then digitally encoded before transmitting to the server. The digitally encoded signals are now a digital representation of the original analog voice signal, and are considered the same as the claimed "first data stream".

2. Applicant further argues to traverse the prior art rejection based on a limitation regarding a "user interface" (*first paragraph of the argument section*). However, the actual term "user interface" was never used in the claim language. Even if the claims included a "user interface", it would be interpreted as either a software interface such as a graphical user interface (GUI) or a hardware user interface such as a microphone. In either case, Bennett reference fully teaches both software user interface and hardware user interface (*figure 3; a microphone is used to record voice input from the user by clicking on start button, which is a software-based button*).

3. Applicant also argues to traverse the prior art rejection based a limitation regarding verifying the accuracy of the text based on data stored in said database (*paragraphs 2-3 of the argument section*). First of all, there is no clear indication in the claim language that a plurality of recognition candidates of a particular utterance spoken by the user are compared to text stored in a database to determine which one of the recognition candidates was actually spoken by the user as explained by the applicant. Therefore, as indicated in previous office actions, this limitation is interpreted as matching recognized text to text stored in the database (e.g. retrieval indexes and

Art Unit: 2626

keywords in a particular document) to determine possible matches (*elements 186-190 in figure 1 or referring to col. 24, line 48 to col. 25, line 67; performing full-text search by matching text query provided by the speech recognition to text stored in the database*). Best matched documents are retrieved and transmitted the client device for the user.

4. In response to applicant's argument regarding "Bennett patent teaches away from a client architecture which allows a relatively inexpensive client device, such as PDA, to be used to access data from a remote database" (*paragraph 7 of the argument section*), Bennett reference also teaches the use of a PDA as client device (*col. 10, lines 28-61*). Therefore, Bennett reference fully anticipates the claimed invention.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8-9, 11, 13, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US 6633846).

Art Unit: 2626

3. Regarding claim 1, Bennett et al. disclose a system for providing wireless voice activated data retrieval comprising:

an input/output device which includes a user interface for receiving the voice of a user defining analog voice data and converting said analog voice data to digital its digital equivalent defining a first data stream, said input/output device including a communication system for transferring said first data stream over a wireless communication link to a remote server system (*client-side 150 in figure 1, input speech is processed and converted into acoustic MFCC vectors before transmitted to a remote server; or referring col. 10, line 41 to col. 11, line 10*);

a remote server system for receiving said first data stream from the input/output device over said wireless communication link (*network 160 in figure 2 can be a wireless network*), said server system including a database (*database 188 in figure 1*), a database search engine (*database processor 186 in figure 1 searches the database 188*) and an entire speech recognition processing system for processing said first data stream (*elements 182-186 in figure 1*) and converting said first data stream to text (*output of SRE 182 in figure 1*), exchanging text with said database via said database search engine to verify the accuracy of the text based on data stored in said database (*elements 186-190 in figure 1 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match*), and transmitting a second data stream back to said input/output device over said wireless communication link based upon data stored in said database (*elements 186-190 in figure 1 or referring to col. 24,*

Art Unit: 2626

line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match and then transmit it back to the user at the client device for verification).

4. Regarding claim 2, Bennett et al. further disclose the system as recited in claim 1, wherein the input/output device is a wireless hand-held device (*col. 4, lines 41-61*).

5. Regarding claims 8 and 13, Bennett et al. further disclose the system as recited in claim 1, wherein said database includes related information (*col. 21, lines 25-40, educational website or medical service website*), thereby enabling the server system to compare information in the first data with information stored in the database to verify the accuracy of the data in the first data stream (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match*).

6. Regarding claim 9, Bennett et al. further disclose the system as recited in claim 1, wherein the input/output device further includes a compression mechanism for compressing the first data stream (*col. 23, lines 26-45*).

Art Unit: 2626

7. Regarding claim 11, Bennett et al. further disclose the system as recited in claim 1, wherein the server system further includes a decompression mechanism for decompressing said first data stream (*element 601 in figure 4A*).

8. Regarding claim 29, Bennett et al. further disclose a method for enabling a healthcare professional to verify certain information relating to a patient (*col. 21, lines 25-40, medical services*), the method comprising the steps of:

(a) providing the health care professional with a hand-held device configured to receive voice input from said health care professional defining analog voice data and converting said analog voice data to its digital equivalent defining a first data stream and transmit said first data stream to a remote server by way of a wireless communication link (*client-side 150 in figure 1, input speech is processed and converted into acoustic MFCC vectors before transmitted to a remote server; or referring col. 10, line 41 to col. 11, line 10*);

(b) providing patient information on a database, accessible by said health care professional by way of said hand held device over said wireless communication link (*system of figure 1, database containing information 188, said information can be health-related information col. 21, lines 25-40*);

(c) providing a remote server with an entire speech recognition processing system for receiving said first data stream from said hand held device and converting it to text data in order to retrieve patient data from said database (*SRE 182 in figure 1*);
and

Art Unit: 2626

(d) returning patient data retrieved from said database to said hand held device by way of a second data stream (*elements 186-190 in figure 2 or referring to col. 24, line 48 to col. 25, line 67, full-text search returns a number of possible matches. The NLE 190 performs a fine search on returned possible matches to determine the best match and then transmit it back to the user at the client device for verification*).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US 6633846) in view of Kanevsky et al. (US 6615171).

11. Regarding claim 10, Bennett et al. fail to specifically disclose the system as recited in claim 1, wherein the input/output device further includes an encryption mechanism for encrypting the first data stream. However, Kanevsky et al. teach that the input/output device includes an encryption mechanism for encrypting the first data stream (*Encryption/Decryption 130 in figure 1*).

Since Bennett et al. and Kanevsky et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art

Art Unit: 2626

at the time of invention to modify Bennett et al. by incorporating the teaching of Kanevsky et al. in order to enhance communication security by protecting communication information from pirated.

12. Regarding claim 12, Bennett et al. fail to specifically disclose the system as recited in claim 1, wherein the server system further includes a decryption mechanism for decrypting said first data stream. However, Kanevsky et al. teach that the server system further includes a decryption mechanism for decrypting said first data stream (*Encryption/Decryption 130 in figure 1, and referring col. 3, line 60 to col. 4, line 3, inherently indicating that the sever has a set of corresponding encryption/decryption mechanism*).

Since Bennett et al. and Kanevsky et al. are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kanevsky et al. in order to enhance communication security by protecting communication information from pirated.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2626

Respectfully submitted,

Huyen X. Vo

Conferees:

/Huyen X Vo/
Primary Examiner, Art Unit 2626

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/James S. Wozniak/
Primary Examiner, Art Unit 2626